S.B. CIVIL WRIT PETITION NO.10264/07
Jamuna Acadami Sanshtha Vidhyalaya
Vs.
State of Raj. & Ors.

Date of order : 12/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri D.K. Garg for the petitioner.
Shri H.V. Nandwana, Dy. GA for the respondent.

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Learned Dy. GA is directed to accept notice on behalf of the respondents.

Heard learned counsel for the parties.

Learned counsel for the petitioner has argued that the petitioner school was upgraded from VI standard to VIII standard by the respondent vide order dated 30.3.2007. The petitioner was never informed that he was required to deposit a sum of Rs.10,000/- and he came to know about the same when he deposited the examination fee of 46 students of class VI to VII and 32 students of Class VIII along

with 70 students of class III to V. It is contended that the respondents even allotted the examination center to the petitioner institution vide their letter dated 28.2.2007 and now when the examination are going to take place on 13.12.2007 onwards, they have refused permission to 22 students of class VII and 34 students of class VIII to appear in the same.

Learned Dy. GA contested the statement and submitted that the Circular was issued by the Government on 24.4.2007 addressed to all District Education Officers of Elementary Education requiring the deposit of Rs.10,000 by all such schools who wants their students to be appeared in class VII and VIII. Throughout the State, the deposits have been made and all arrangements for the examinations have also been made. At the last moment, the

candidates cannot be permitted to appear in the examination.

Having heard the learned counsel for the parties and perused the material on record. I find that the petitioner institution is recognized by the respondent State and on the strength of recognition, the students were admitted to that school. The examination fee of the students has already been accepted by the respondents. Though the default in timely payment of additional recognition fee of Rs.10,000/- may be attributed to the petitioner but the question of recognition fee is something which is a dispute between the State and the petitioner school. The students who have studied through out the year should not be allowed to made suffer on that count. It is therefore directed that the District Education Officer, Dholpur shall make all

arrangements for examination of the students of class VII and VIII of the petitioner institution on the scheduled date. In so far as the default of the petitioner is concerned, the respondent would be free to take any action against them. The petitioner would be required to deposit a sum of Rs.10,000/- as aforesaid and also an additional amount of Rs.10,000/- by way of penalty with the respondents by tomorrow for the default committed by him, which may be utilized by the respondents to make arrangements for examination now.

The writ petition is accordingly disposed of.

(MOHAMMAD RAFIQ), J.

RS/